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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/084,007	05/26/1998	TOMOAKI TAMURA	02860.0585	4892

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EXAMINER

TILLERY, RASHAWN N

ART UNIT PAPER NUMBER

2612

DATE MAILED: 03/01/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/084,007

Applicant(s)

TAMURA, TOMOAKI

Examiner

Rashawn N Tillery

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 16-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Applicant's election with traverse of Group I, claims 1-15 in Paper No. 5 is acknowledged. The traversal is on the ground(s) that the subject matter of Group II, claims 16-19 is sufficiently related, that a thorough search of the subject matter of Group I would encompass a search for the subject matter of the remaining claims. This is not found persuasive because a prima facie case has been met, in the outstanding Office Action, by way of the different classifications of the claims- 1-15 and 16-19.

The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 2, 5-8 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Penney (US5325131).

Regarding claim 1, Penney discloses, in figure 1, a first image processing means (10) for converting the first image data (NTSC sources) into second image data (NTSC out) in a first format (NTSC);

second image processing means (14) for converting third image data (HDTV sources) in second format (HDTV) different from the first format into fourth image data (HDTV out) in third format (HDTV) different from the first format and the second format; and

third image processing means (12) for converting the first image data into fifth image data (HDTV out) in the third format.

Penney does not expressly disclose the use of a camera. However, since Penney's television switcher converts image signals, it would have been obvious to one of ordinary skill in the art at the time the invention was made that a camera, comprising a photographing element, be utilized to produce image signals.

Examiner acknowledges that Applicant's second image processing means has only one output, while the Penney patent is capable of producing two. However, only one of the outputs (HDTV out) is taken into consideration for the purposes of meeting claim limitations.

Examiner notes that Applicant's invention is not the same as the prior art invention; however, Applicant's claims are written broadly enough where the prior art can be read on it.

Regarding claim 2, Penney discloses image display means being capable of displaying the fourth image data and the fifth image data (see col. 3, lines 4-7).

Regarding claim 5, the use of an up converter in the Penney system implies that the number of lines in the NTSC sources are fewer than those of the HDTV sources and thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to make the second format a different image data compression method from the first format.

Regarding claim 6, see claim 1 above.

Regarding claim 7, Penney discloses, in figure 1, a first image processing means (10) for converting the first image data (NTSC sources) into second image data (NTSC out) in first format (NTSC); and

second image processing means (16) for converting third image data (HDTV sources) in second format (HDTV) different from the first format into fourth image data (NTSC out) in first format (NTSC).

Penney does not expressly disclose the use of a camera. However, since Penney's television switcher converts image signals, it would have been obvious to one of ordinary skill in the art at the time the invention was made that a camera, comprising a photographing element, be utilized to produce image signals.

Examiner notes that Applicant's invention is not the same as the prior art invention; however, Applicant's claims are written broadly enough where the prior art can be read on it.

Regarding claim 8, Penney discloses image display means being capable of displaying the second image data and the fourth image data (see col. 3, lines 4-7).

Regarding claim 11, see claim 7 above.

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2. Claims 3-4 and 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Penney in view of Kim (US5361099).

Regarding claim 3, Penney does not expressly disclose a memory. Kim reveals that it is well known in the art to utilize a memory for storing NTSC and HDTV composite video signals (see figure 4 and col. 5, lines 25-61 where the frame memories are discussed; note that the controller, 1, in figure 2, determines which image data is to be stored). It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement Kim's teachings. One would have been motivated to do so in an effort to improve picture quality.

Regarding claim 4, Penney discloses image display means being capable of displaying the fourth image data and the fifth image data (see col. 3, lines 4-7).

Regarding claim 9, Penney discloses third image processing means (12) for converting the first image data into fifth image data (HDTV out) in the third format different from the first and the second format.

Penney does not expressly disclose a memory. Kim reveals that it is well known in the art to utilize a memory for storing NTSC and HDTV composite video signals (see figure 4 and col. 5, lines 25-61 where the frame memories are discussed; note that the controller, 1, in figure 2, determines which image data is to be stored). It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement Kim's teachings. One would have been motivated to do so in an effort to improve picture quality.

Regarding claim 10, the use of an up converter in the Penney system implies that the number of lines in the NTSC sources are fewer than those of the HDTV sources and thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to make the third format a different image data compression method from the first format.

3. Claims 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee (US5473381).

Regarding claim 12, Lee discloses, in figure 1, an image processing means (100, 200) for applying a predetermined process onto the image data so as to generate image data for record (latch, 3111 in figure 8) and for applying a predetermined process onto the image data for record so as to generate image data for reproduction;

wherein the number of kinds of formats for the image data for reproduction is greater than the number of kinds of formats for the image data for record.

Lee teaches converting a frame format of an input video signal (interlace) into a display format (progressive- 3:4, 4:3, 2:1 or 3:2). Lee does not expressly disclose the use of a camera. However, since Lee's television switcher converts image signals, it would have been obvious to one of ordinary skill in the art at the time the invention was made that a camera, comprising a photographing element, be utilized to produce image signals.

Examiner notes that Applicant's invention is not the same as the prior art invention; however, Applicant's claims are written broadly enough where the prior art can be read on it.

Regarding claim 13, see claim 12 above.

Regarding claim 14, see claim 12 above.


Regarding claim 15, see claim 12 above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rashawn N Tillery whose telephone number is 703-305-0627. The examiner can normally be reached on 9AM-6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on 703-305-4929. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-5359 for regular communications and 703-308-5359 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.

RNT
February 25, 2002


WENDY R. GARBER
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